

FELONS

Purpose: Persons with drug felony convictions and those fleeing from the law are not eligible for some public assistance programs.

Effective March 6, 2000

WAC 388-442-0010 How being a felon impacts your eligibility for benefits.

- (1) You are not eligible for TANF/SFA, GA and/or food assistance if you are:
 - (a) Fleeing to avoid prosecution, custody, or confinement after conviction of a crime, or an attempt to commit a crime which is considered a felony in the place from which you are fleeing; or
 - (b) Violating a condition of probation or parole as determined by an administrative body or court that has the authority to make this decision.
- (2) You are not eligible for TANF/SFA and/or food assistance if you were convicted of a felony committed after August 21, 1996 involving an element of possession, use, or distribution of an illegal drug, unless you:
 - (a) Were convicted only of possession or use of an illegal drug; and
 - (b) Were not convicted of a felony for illegal drugs within three years of the latest conviction; and
 - (c) Were assessed as chemically dependent by a program certified by the division of alcohol and substance abuse (DASA); and
 - (d) Are taking part in or have completed a rehabilitation plan consisting of chemical dependency treatment and job services.
- (3) If you are pregnant, but cannot get TANF/SFA because you were convicted of a drug-related felony, you can get SFA while you are pregnant if you meet all other TANF/SFA eligibility criteria under WAC 388-400-0005 or 388-400-0010.

CLARIFYING INFORMATION**1. Fleeing Felons:**

- a. For a person to be "fleeing", they must be acting with the intent to avoid prosecution. If a **felony** warrant has been issued, the client must have knowledge that a warrant has been issued for his arrest in order to be considered "fleeing."
- b. RCW 74.04.062 authorizes the department to contact the appropriate law enforcement agency when we learn that a client has a **valid** outstanding warrant.

2. **Juvenile convictions:**

A juvenile offender who was convicted of a drug-related felony or who is fleeing a felony warrant is subject to the same rules as adult offenders. This includes persons who were convicted in a juvenile court.

3. **Probation/Parole Violation:**

Violating a condition of probation or parole means the administrative body or court has issued an arrest warrant for the client after being notified by the corrections officer that the person failed to comply with a requirement of probation or parole.

- a. What is considered a violation of parole varies from case to case.
- b. The department may be advised of the correction officer's intent to issue a warrant, but a client's eligibility is not affected until the warrant is issued.

4. **GA-U / Medical Assistance and Drug Felons:**

The drug-related felony rule (WAC 388-442-0010(2)) does not apply to the GA-U program or to any medical program.

5. **Convictions for conspiracy or attempt charges:**

- a. Conspiracy to possess, use, or distribute illegal drugs is considered an element of the crime. Clients convicted of an element of the crimes described in this rule are ineligible to receive TANF/SFA and Basic Food unless they meet the requirements in section (2) of WAC 388-442-0010.
- b. RCW 69.50.403 makes it a Class C felony "to obtain, or attempt to obtain a controlled substance." This part of the Uniform Controlled Substances Act

doesn't have different penalties for "obtaining" or "attempting to obtain."
Because of this, a client with a felony conviction for attempt to obtain or use
has a felony conviction involving drug use or possession.

6. Pregnant felons who receive SFA:

Clients who are eligible for SFA due their pregnancy status become ineligible for benefits as soon as the pregnancy ends. See CHANGE OF CIRCUMSTANCES to determine the effective date of the change.

7. Clients awaiting treatment:

Clients assessed as dependent but not in treatment because there are no spaces available are not meeting the treatment requirement. Eligibility begins when the client enters treatment.

8. Verification of a treatment plan:

A rehabilitation plan or a certificate of completion from the treatment center is acceptable verification of a client taking part in, or having completed treatment. The documentation from the treatment agency must indicate that the treatment plan contains job services as defined by the center.

WORKER RESPONSIBILITIES

1. Reviewing felon status:

Take the following actions at application, or when adding an individual to the Assistance Unit (AU):

- a. Ask the client about the felon status of each member of the household and record felon status in ACES.
- b. Check adult AU members against the Department of Corrections (DOC) Felony Offender Reporting System (FORS) for outstanding warrants and/or felon status. Follow your established office policy regarding who may access FORS.
- c. If an adult member of the household has a warrant listed in FORS, contact DOC to verify that the warrant is still valid.

2. When a client has a felony warrant:

- a. If the client has a valid felony warrant, inform the client of the warrant.
- b. If the client claims to have satisfied the warrant, give them the opportunity to verify this.
- c. If the client has not satisfied the warrant, they are considered "fleeing" and ineligible for TANF/SFA or Basic Food benefits.
- d. Deny or terminate benefits as appropriate.

3. When law enforcement contacts the department:

If a law enforcement official contacts the department regarding a client, cooperate with the official as required by state and federal law.

- a. **State Law** - RCW 74.04.062 allows us to disclose address information about clients to federal, state, or local law enforcement officers acting in an official capacity when they identify themselves, provide the client's Social Security Number and demonstrate that the client is a fugitive. Under those circumstances, we are allowed to provide the current address and location information to the officer.
- b. **Federal Law** - 7 CFR 272.1(c)(viii) Requires us to cooperate with state, federal, or local law enforcement by providing the address, Social Security Number, and photograph (if available) of a client when *specifically requested in writing* in the following circumstances:
 - (1) The AU member is fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony or is violating a condition of probation or parole imposed under a Federal or State law; or
 - (2) The AU member has information necessary for the apprehension or investigation of another member who is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole.

Note: Federal regulations only allow the release of information when **both** of the conditions are satisfied. The information must be requested **in writing** by the officer acting in their official duties and it must be on the list of information we are allowed to disclose under this regulation (address, SS#, and photo).